

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-208996

**DATE:** April 12, 1983

**MATTER OF:** Dr. William P. Hefly

**DIGEST:**

Employee on IPA assignment to University of Arkansas in Fayetteville, Arkansas, claims travel expenses for return to Kansas City on nonworkdays. Although it was originally intended that he would relocate residence and change permanent duty station to Fayetteville, travel orders are ambiguous as to whether temporary duty entitlements or change-of-station allowances, or both were authorized. Since employees traveling on IPA assignments may receive per diem or change-of-station allowances, but not both, we would not object to employee's election to be paid per diem at Fayetteville, and the travel expenses claimed insofar as they do not exceed per diem that would have been paid if he had stayed in Fayetteville for the nonworkdays involved.

We have been asked by the Department of Education to issue an advance decision concerning the travel and transportation expense entitlement of an employee assigned to an institution of higher education under the Intergovernmental Personnel Act by orders issued in contemplation of a permanent change of station. Because there is an inconsistency on the face of the travel orders which could be construed as authorizing either or both permanent change of station and temporary duty entitlements, we would not object to the employee's election to receive temporary duty related transportation and travel expenses rather than change-of-station allowances.

Dr. William P. Hefly of the Kansas City Office of Education of the Department of Health, Education and Welfare was given an assignment under the Intergovernmental Personnel Act (IPA) for the period from September 1, 1978, through September 1, 1980. Under the IPA agreement with the University of Missouri, Dr. Hefly was to work with officials of that University as well as officials of the University of

Arkansas and Oklahoma Christian College. Because Dr. Hefly was to remain in the Kansas City area during his IPA assignment, he was not authorized per diem or relocation expenses.

Upon completing the initial 2-year assignment, Dr. Hefly was given a 1-year extension with one significant change in the nature of his duties. He was to work only at the University of Arkansas in Fayetteville, Arkansas. In connection with that extension, the record indicates that Dr. Hefly and his employing agency initially intended that he would relocate his residence and change his permanent duty station from Kansas City to Fayetteville. It should be noted that that intent is not clearly reflected by the language of the travel order he was issued in September 1980. That order indicates the "itinerary and purpose of travel" as follows:

"Travel from Kansas City, Missouri to University of Arkansas, Fayetteville, Arkansas on September 1 for period of one year (permanent change of station NOT 1 year) \* \* \*."

The travel order specifically authorizes a \$35 per diem rate and transportation by privately owned vehicle, GSA or rental automobile, expenses that to some extent would be payable in connection with a permanent change of station or temporary duty assignment. The section of the order designed for use in authorizing change-of-station allowances is unmarked and there is no other notation on the travel order purporting to authorize the allowances payable to an employee transferred in connection with an IPA assignment.

In fact, Dr. Hefly did not relocate his residence to Fayetteville. Instead he commuted on a weekly basis between his Kansas City residence and Fayetteville for the additional 1-year period of his IPA assignment. On December 2, 1981, Dr. Hefly submitted a travel voucher seeking reimbursement for the transportation expenses he incurred in traveling between Kansas City and Fayetteville. He has not claimed per diem while in Fayetteville. Department of Education has declined to certify the voucher for payment because Dr. Hefly's travel orders were never amended to authorize payment of commuting expenses.

Under 5 U.S.C. § 3372 (1976) an employee of an executive agency may be assigned to an institution of higher

learning for an initial period not to exceed 2 years. With the approval of the head of his employing agency the assignment may be extended for an additional 2-year period. His entitlement to travel expenses is governed by 5 U.S.C. § 3375 (1976) which provides, in pertinent part:

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with--

"(1) subchapter I of chapter 57 of this title, for the expenses of--

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

\* \* \* \* \*

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty."

In 53 Comp. Gen. 81 (1973), based upon our review and interpretation of the language of the IPA and its legislative history, we held that Federal employees who are

assigned to State and local governments and to institutions of higher education are not entitled to both per diem and change-of-station allowances for the same assignment, even though 5 U.S.C. § 3375 permits the payment of both the benefits associated with a permanent change of station and those normally associated with a temporary duty status. We stated that while the language in section 3375 authorized the use of appropriations for the expenses listed, it does not state whether an employee on an IPA assignment may receive reimbursement for all such expenses. In the absence of statutory language authorizing reimbursement for all the listed expenses, we concluded that employees traveling on IPA assignments may receive either per diem in lieu of subsistence or the change-of-station allowances authorized by 5 U.S.C. 3375, but not both. Noting that in some circumstances IPA assignments may last as long as 4 years, we stated that the agency concerned should determine administratively whether an employee is to be authorized expenses applicable to a change of station or paid per diem in lieu of subsistence. Where the employee's assignment is made on a temporary duty basis, we have recognized that, in addition to per diem at the IPA location, an employee who returns to his permanent duty station for nonworkdays may be reimbursed travel expenses and per diem en route provided those payments do not exceed the per diem he would have received if he had remained at the IPA location over those nonworkdays. B-178759, March 12, 1975.

Upon the extension of his IPA assignment Dr. Hefly was entitled to either per diem in lieu of subsistence or change-of-station allowances. While it appears that the Department of Education intended to authorize change-of-station allowances, including those enumerated at 5 U.S.C. §§ 3375(a)(2) through (4) the language of Dr. Hefly's travel order does not fully accomplish that purpose. As noted above, it is sufficiently ambiguous that it would not have been unreasonable for Dr. Hefly to construe the order to authorize either or both per diem and permanent change-of-station allowance. Under similar circumstances we have not objected to the employee's election to receive per diem rather than change-of-station allowances. Matter of Alexiou, B-193797, May 11, 1979. Consistent with our holding in that case and in B-178759, discussed above, Dr. Hefly may be allowed per diem while in Fayetteville and may be reimbursed the transportation expenses claimed provided they,

B-208996

together with any en route per diem claimed, do not exceed per diem to which he would have been entitled if he had remained in Fayetteville for the nonworkdays in question.

*for* *Milton J. Fowler*  
Comptroller General  
of the United States